IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24934 of 2004

Between:

Sri. Dasanjaneya Swami Vari Devasthanam Opp to Challapalli Bungalow, Eluru Road, Governorpet Vijayawada, rep. by its Managing Trustee, sri. N. Chalapathi Rao S/o Shambhulingam, R/o Vijayawada

..... PETITIONER

AND

Vijayawada Municipal Corporation rep by its Commissioner, Vijayawada

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction, particulalry a Writ of Mandamus, declaring the action of the respondent as illegal and ultra vires to the provisions of Article 14 of the constitution of India and also the mandatory provisions of the Hyderabad Municipal Corporation Act and the Rules framed thereunder on the subject from time to time besides directing not to proceed further in pursuance of the Bill No. 613 dt 16-11-2004 in respect of the Assessment No.19344 (old) and 177995(New) of Vijayawada Municipal Corporation.

Counsel for the Petitioner:MR.V.S.R.ANJANEYALU

Counsel for the sole Respondent: MR.T.S.VENKATA RAMANA

The Court made the following :

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Vijayawada Municipal Corporation, dated 16.11.2004.

2) In the said special notice issued by the authorities, property tax was levied on the petitioner from April, 2001 to March, 2004 amounting to Rs.70,186/-. It is the contention of the learned counsel for the petitioner that the shops were already demolished in the year 2002 and there is no question of levying property tax in respect of the shops. Further, in respect of the period from April, 2001 to March, 2002 a revision petition is filed and the same is not yet disposed of. Therefore, the demand notice issued by the authorities is illegal and contrary to law.

3) The learned counsel for the Municipal Corporation on instructions submits that no revision has been filed and on record also there is no revision pending for the period from April, 2001 to March, 2002. It is also submitted that the matter is being reviewed in view of the fact that some shops were demolished.

4) Under those circumstances, we are inclined to dispose of the writ petition with the following directions;

i. *The respondent Municipal Corporation shall review the entire matter keeping in view the demolished area and dispose of the revision petition filed by the petitioner challenging the property tax for the period April 2001 to March 2002;*

ii. *Though the learned counsel for the Municipal Corporation says that the copy of the revision has not yet been received, we direct the petitioner to furnish a copy of the revision before the Corporation and on receiving the same, the respondent shall consider the same and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. Till such time, no coercive steps shall be taken by the Vijayawada Municipal Corporation.*

5) The writ petition is accordingly disposed of. No costs.

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G.BIKSHAPATHI.J.,

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P.S.NARAYANA.J.,

Dt.05.04.2005

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To

1) Commissioner, Vijayawada Municipal Corporation, Vijayawada.

2) CD copies